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Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

E.K. WADE,	)	No. C 06-4725 MJJ
	)	
Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER CONTINUING HEARING</b>
v.	)	<b>DATE</b>
	)	
ELAINE CHAO, SECRETARY OF	)	Date: December 11, 2007
LABOR, ET AL.	)	Time: 9:30 a.m.
	)	Courtroom: 11, 19th Floor
Defendant.	)	
	)	

Plaintiff's motion for summary judgment and the Federal Defendant's motion to dismiss are both currently scheduled to be heard on December 11, 2007. The date was continued from November 27, 2007 by the Court.

Counsel for the Federal Defendant is scheduled to be in South Carolina on December 11, 2007 at the National Advocacy Center.

The parties jointly agree that the hearing date should be continued to **December 18, 2007**.

The Federal Defendant's opposition to plaintiff's motion shall be filed no later than November 27, 2007. Plaintiff's opposition to the Federal Defendant's motion shall be filed no later than November 27, 2007.

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1 The respective reply briefs shall be filed no later than December 4, 2007.

2 Respectfully submitted,

3 SCOTT N. SCHOOLS

4 United States Attorney

5  
6 Dated: October 26, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
7

8 ANDREW Y.S. CHENG

9 Assistant United States Attorney

10 Dated: October 26, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
11

12 E.K. Wade, Plaintiff

13 **PROPOSED ORDER**

14 The Court, having considered the stipulation of the parties, continues the hearing date as  
15 to plaintiff's motion for summary judgment and defendant's motion to dismiss in this case to  
16 **December 18, 2007, at 9:30 a.m.** The respective opposition briefs shall be filed no later than  
17 November 27, 2007. The respective reply briefs shall be filed no later than December 4, 2007.

18  
19 IT IS SO ORDERED.

20  
21 DATED: \_\_ October 29, 2007 \_\_\_\_

  
\_\_\_\_\_  
HONORABLE MARTIN J. JENKINS  
U.S. DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**STIPULATION AND PROPOSED ORDER TO CONTINUE HEARING DATES**

Wade v. Chao  
C 06-4725 MJJ

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

  X   **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

       **PERSONAL SERVICE (BY MESSENGER)**

to the party(ies) addressed as follows:

Mr. E.K. Wade, pro se 542 North Civic Drive, Apt. D Walnut Creek, CA 94597		
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 26, 2007, at San Francisco, California.

/s/  
BONNY WONG  
Legal Assistant